HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G.BHAVANI PRASAD

WRIT PETITION No.2620 of 2006

Between:

P.V. Sudhakar Reddy & another. …Petitioners.

AND

Executive Engineer, Roads &

Buildings Department,

Korrapadu Road, Proddatur,

Kadapa District & another. …Respondents.

:: ORDER ::

Counsel for the Petitioners : Sri S.R.Sanku

Counsel for the Respondents : Government Pleader for

Roads & Buildings.

16th FEBRUARY 2006

Per G.S.Singhvi, C.J.

This petition, filed in the name of public interest for restraining Executive Engineer, Roads and Buildings Department, Proddatur, Kadapa District (respondent No.1) from going ahead with the road-widening programme in Proddatur town, can

appropriately be termed as a frivolous piece of litigation, which deserves to be dismissed summarily with exemplary costs.

Petitioner No.1 has neither disclosed his qualifications nor the source of earning nor his interest over and above the interest of

by standers in challenging the road-widening programme undertaken by the Roads and Buildings Department. Petitioner No.2 has also not disclosed his qualifications and source of earning, but from the copy of notice dated 24-11-2005, which he is said to have sent to respondent No.1, it can reasonably be inferred that he is an Advocate and is earning his livelihood by engaging himself in the profession of lawyers. Nevertheless, he too has not disclosed his interest over and above that of a by stander in questioning the road-widening programme.

Learned counsel for the petitioners argued that respondent No.1 has deliberately and with an ulterior motive of helping some business establishments given arbitrary markings in the process of road-widening programme and straight road is being made haphazard and, therefore, his clients have come forward to espouse the public cause.

We have considered the submissions of the learned counsel, but have not felt impressed. Rather, on a careful analysis of the averments contained in paragraphs 4 to 7 of the writ petition, we are constrained to observe that in the name of public interest, the petitioners have come forward to espouse the alleged grievance of some businessmen, who are said to be adversely affected by road-widening programme. In paragraphs 4 to 7 of the writ petition, the petitioners have averred as under:

> "4) I submit that the business people doing business on either side of the roads at Mydukur Road, Sivalayam Street and T.B.Road of Proddatur, have been asked by the 1st respondent, by way of markings, to leave the road margins on the guise of widening the roads. The 1st respondent further gave markings on the traffic islands of Puttaparty Circle and Rajiv Circle of Proddatur Town. Initially, the 1st respondent has given markings requesting the road side people to remove the constructions voluntarily to enable the widening of 5 feet on either side of the above said roads. In the islands of Puttaparty and Rajiv Circle the 1st respondent has given markings to widen the roads by 10 feet around the circle fixing the center point as existing today.
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> 5) I submit that the 1st respondent further gave markings on either side of the

roads changing the road centers to save the interested persons of local politicians and thereby leading to several curves and further extending the markings on one side only to remove the entire constructions of particular persons who do not belong to the present ruling Congress Party of the State. As such those people supporting other political parties have been losing their entire business places. However, to save the interested people of the present ruling party, the 1st respondent totally changed the road map and plans on several occasions with several modifications. The 1st respondent even changed the name of the road as Mypad - Bellary – Bombay Road which is originally called as Madras – Bellary – Bombay road.

6) I submit that the 1st respondent is giving marking at Puttaparty circle in such a fashion that the shape of the circle becomes oval like egg contrary to the Departmental Rules and Regulations. In fact, the road originally approved by the Government as Madras – Bellary – Bombay Road, had a width of 120 feet in the year of 1968, but the same is now changed with another name and width is also changed as 80 feet. When there is a road width of 120 feet, the circles should be of 150 feet and, when there is road width of 80 feet, the circles should be of 100 feet. However, at the instance of rival competitive business people, who are close followers of the present political party, the 1st respondent is saving their business premises with less demolitions and the non-Congress people and other neutral people are being harassed by the 1st respondent, who is making additional markings while saving others with lesser markings.

7) I submit that the action of the 1st respondent in changing the center points of the roads and changing the markings and changing the curves with several designs, is now the concern of Proddatur Town, who is not acting fairly. He is saving the establishment of some people and trying to demolish the establishment of some other people by making arbitrary markings. For example, the 1st respondent gave markings that the road width is 80 feet at Puttaparty circle and that the expected width of the circle in that road is 100 feet. However, the 1st respondent, in order to demolish the buildings of some people, widened the same and gave markings to read a width of 148 feet with changed center point. The result is the circle shape of the island in this road, became egg-shaped which is unnatural. Similarly, to save the buildings of Venkateswara Lodge and the abutting building under construction, the 1st respondent changed the center point of the road and gave markings at length to the opposite side building. Likewise, the 1st respondent acted in several places."

In the context of the aforementioned averments, we asked the learned counsel whether the businessmen who are said to be adversely affected by road-widening programme are indigent persons or are incapable of seeking redressal of

their so-called grievance due to their illiteracy, poverty or any such disability, but he could not give any reply. This shows that in the name of public interest litigation, the petitioners are espousing the cause of business community which is likely to be affected by road-widening programme, which is being undertaken by respondent No.1 in public interest. They seem to have been put up by the businessmen who do not want to come in open for vindication of their so-called right. It also appears to us that the writ petition has been filed with an apparent object of frustrating the road-widening programme which is being undertaken by the Roads and Buildings Department for the benefit of public at large. The lack of bona fides on the part of the petitioners is evinced from the fact that they have deliberately omitted to name those businessmen who are being favoured by respondent No.1 in the marking of points for the purpose of road widening.

For the reasons mentioned above, we hold that the writ petition is a frivolous and vexatious piece of litigation and is liable to be dismissed summarily. Ordered accordingly. For filing such petition, the petitioners are saddled with costs of Rs.25,000/-, which shall be deposited by them with the Andhra Pradesh State Legal Services Authority within a period of one month. The direction for deposit of costs shall be treated as a decree of court and will be executable by adopting coercive measures in case the petitioners fail to deposit the amount of costs within one month from today.

After the aforesaid order was dictated, learned counsel for the petitioners requested that the direction for payment of costs may be waived because that would affect the career of the young lawyer. We reluctantly accept his request and order that the direction given for payment of costs shall remain inoperative.

G.S. SINGHVI, C.J.

16th February, 2006.

G.BHAVANI PRASAD, J.

ARS / svs